

Also.

That the House has passed substitute Senate bill No. 195:

"An act to regulate the time and manner for catching or taking fish, oysters, crabs and shrimp within the limits of tide water on the coast of Texas and bayous, and in all the tributaries up to tide water within this State."

WILL LAMBERT,

Chief Clerk House Representatives.

On motion of Senator Burges,

The vote by which the Senate concurred in House amendments to substitute Senate bill No. 54, was reconsidered and the bill was ordered referred to Committee on Roads and Bridges.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 30, 1887. }

Hon. T. B. Wheeler, President of the Senate.

Sir—I am instructed by the House to inform the Senate that the House passed the following bill:

Senate bill No. 261,

"An act to provide for the purchase of a site for, and the establishment, location, construction and maintenance of a State orphan asylum," with amendments.

WILL LAMBERT.

Chief Clerk House of Representatives

SENATOR POPE

Moved to adjourn till 10 o'clock to-morrow morning.

Lost.

SENATOR HOUSTON

Moved that the Senate adjourn till 8 o'clock p. m.

SENATOR WOODS

Moved to adjourn till 9:15 o'clock to-morrow morning.

The last motion was put first and the Senate adjourned till 9:45 o'clock to-morrow morning by the following vote:

YEAS—14.

Abercrombie,	Jarvis,
Armistead,	Knittle,
Bell,	MacManus.
Burges,	Pope.
Davis,	Stinson.
Douglass of J,	Terrell,
Frank,	Woods.

NAYS—13.

Burney,	Harrison,
Calhoun,	Houston,
Camp,	Lane,
Claiborne,	McDonald,
Douglass of G,	Sinkins,
Glasscock,	Woodward.
Gregg,	

ABSENT—1.

Garrison.

SIXTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 30, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by Chaplain, Dr. Smoot.

On motion of Senator Armistead,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

BY SENATOR ARMISTEAD:

COMMITTEE ROOM, }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on State Asylums, to whom was referred

Substitute House bill No. 445, being:

"An act to establish an asylum for the deaf and dumb and the blind of the youth of the people of color of the State of Texas, and to provide for its government and maintenance and making an appropriation therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

ARMISTEAD, chairman.

Bill read first time.

BY SENATOR FRANK:

COMMITTEE ROOM, }
AUSTIN, March 30, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed

Bills have carefully examined Senate bill No. 68, entitled:

"An act to validate the official acts of Wm. Veale, a notary public of Stephens county, Texas, and to permit him to file the bond and oath required by law of notaries public," and find the same correctly engrossed.

FRANK, chairman.

BY SENATOR POPE:

COMMITTEE ROOM, }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Public Lands, to whom was referred House bill No. 569, being a bill to be entitled:

"An act to provide for ascertaining and correcting compiles and errors in surveys of lands made for the common school, university and asylum funds and other revenues in which the State may be interested; to provide for the resurvey of same, and for patenting and repatenting surveys in certain cases," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE, chairman.

Bill read first time

BY SENATOR JARVIS:

COMMITTEE ROOM, }
AUSTIN, TEXAS, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Finance to whom was referred substitute House bills Nos. 344 and 417, entitled,

"An act to amend Articles 4751 and 4756, of chapter 41, title 95, of the Revised Civil Statutes, and to add thereto Articles 4756a so as to provide a lien on lands sold for taxes in favor of the purchaser where the deed is inoperative by reason of informalities in assessments," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the caption by striking out the figures "4751."

Amend section 1, by striking out the figures "4751."

Amend by striking out Article 4751.

All of which is respectfully submitted.

JARVIS, chairman.

BY SENATOR UPSHAW.

COMMITTEE ROOM, }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate.

Sir—Your committee on Roads and Bridges, to whom was referred Senate bill No. 54, entitled "An act to authorize counties to issue bonds for bridge purposes and to levy a tax to pay the same and to repeal all laws in conflict therewith," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

UPSHAW, chairman

Bill read first time.

BY SENATOR BELL:

COMMITTEE ROOM, }
AUSTIN, March 30, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred House bill No. 500, entitled:

"An act to create Article 572a of chapter 6, title 15, of the Penal Code of Texas, for the purpose of defining and punishing the offense of employing and decoying away minors from parents," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

SPECIAL COMMITTEE REPORTS.

BY SENATOR GLASSCOCK:

COMMITTEE ROOM, }
AUSTIN, March 30, 1887. }

Hon. T. B. Wheeler, President of the Senate, and Hon. Geo. C. Pendleton, Speaker of the House of Representatives:

Sir—Your free conference committee to whom was referred the difference existing between the two Houses on Substitute House bill No. 1.

Beg leave to submit the following recommendations:

First—We recommend that the Senate recede from its seventh amendment, and the following be adopted as a substitute for said amendment:

"Amend section 61 by inserting in line 7, after the word "erected," (in

Senate printed bill), the following words:

"The citizens of the district or community must contribute of their labor or means, or both, an amount equal to one-third of the school fund so used; and

Second—We recommend that the Senate recede from its twelfth and thirteen amendments."

All of which is respectfully submitted.

GLASSCOCK,
MACMANUS,
ABERCROMBIE,
CAMP,
KNITTLE,
Senate Committee.
GARWOOD,
PAGE,
MOORE of Travis,
CLARK,
GROCE,
House Committee.

On motion of Senator Glasscock,
The report was adopted.

BY SENATOR BURNEY:

COMMITTEE ROOM, }
AUSTIN, TEXAS, March 29, 1887. }

Hon. T. B. Wheeler, President of the Senate, and
Hon. George C. Pendleton, Speaker of the House of
Representatives:

Sirs—Your committee on free conference appointed to consider the differences between the two houses on Senate bill No. 71.

"An act to protect stock raisers providing the destruction of wolves and other animals."

Have considered the same and report thereon as follows:

We recommend that the second House amendment be so amended as to read of follows:

"Strike out the word 'two' in line 6, section 1, and insert in lieu thereof the word 'one' and insert before the word 'panther' in line 7, section 1 the words 'and the sum of two dollars for each.'"

And that as amended that the second House amendment be concurred in.

We recommend that section 2, of the bill be reformed so as to hereafter read as follows:

"The commissioners' court of any county may order to be paid to the person or persons having killed any of said animals in their respective counties, as fixed in section 1 of this act, upon their exhibiting the scalps of the animals killed to the county

judge of said county, accompanied by the written affidavit of such person, stating when and where he killed said animals and the kind of each.

All of which is respectfully submitted.

BURNEY,
GLASSCOCK.
For Senate Committee.
SHIED,
BROWNING,
BAYLOR,
House Committee.

On motion of Senator Burney,
The report of the committee was adopted.

BY SENATOR SIMKINS:

COMMITTEE ROOM, }
AUSTIN, March 30, 1887. }

Hon. T. B. Wheeler, President of the Senate and
Hon. George C. Pendleton, Speaker of the House of
Representatives.

The undersigned committee of free conference on

House bill No. 128

To whom was referred the differences existing between the two Houses on said bill, would respectfully report the following as the result of their conference.

First. We recommend that the caption of the bill be so amended as to read as follows:

"An act to amend Article 183 of the Penal Code of the State of Texas, and to amend an act entitled, an act to amend Article 186 of the Penal Code approved April 10, A. D. 1883, chapter 2, title 7, and to amend said chapter and title by adding thereto Article 186a, providing additional exempt from the operation of the Sunday law."

Second—Amend the enacting clause so that it will read as follows:

"Be it enacted by the Legislature of the State of Texas, That Article 183 of the Penal Code of the State of Texas, and that an act to amend Article 186 of the Penal Code, approved April 10, A. D., 1883, be amended so as hereafter to read as follows: And that chapter 2, title 7, of said Penal Code, be amended by adding thereto Article 186a," which shall read as follows:

Third—We further recommend the following as a substitute for Article 186:

"Article 186. Any merchant, grocer or dealer in wares or merchandise, or trader in any business whatsoever, or the proprietor of any place of public

amusement; or the agent or employe of any such person, who shall sell or barter or permit his place of business or place of public amusement to be open for the purpose of traffic or public amusement on Sunday, shall be fined not less than twenty nor more than fifty dollars. The term "place of public amusement" shall be construed to mean circuses, theaters, variety theatres, and such other amusements as are exhibited, and for which an admission fee is charged, and shall also include dances at disorderly houses, low dives and places of like character with or without fees for admission."

Fourth. We further recommend the following as a substitute for Article 186a:

"Article 186a. The preceding Article shall not apply to markets or dealers in provisions as to sales of provisions made by them before nine o'clock a. m., nor to the sale of burial or shrouding material, newspapers, ice, ice cream, milk, nor to the sending of telegraph or telephone messages at any hour of the day, nor to keepers of drug stores, hotels, boarding houses, restaurants, livery stables, barber shops, bath houses or ice dealers, nor to telephone or telegraph offices."

All of which is respectfully submitted.

DAVIS,
CALHOUN,
SIMKINS,
Senate committee.
RUGEL,
MOORE of Travis,
NICHOLSON,
House committee.

On motion of Senator Simkins,

The report of the committee was adopted.

BY SENATOR SIMKINS.

Hon. T. B. Wheeler, President of the Senate; and Hon. Geo. C. Pendleton, Speaker of the House of Representatives:

Sirs—Your committee on Free Conference, to whom was referred House bill No. 89, with Senate amendments, to adjust the differences existing between the two Houses, would respectfully report that they have duly considered the same and all the Senate amendments have been concurred in.

All of which is respectfully submitted.

SIMKINS,
WOOD,
DOUGLASS, of J.
Senate Committee.
SHELburne,
GILL,
CLEGG,
House Committee.

On motion of Senator Simkins,
The report of the committee was adopted:

BY SENATOR HOUSTON:

COMMITTEE ROOM,
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate, and
Hon. Geo. C. Pendleton, Speaker of the House of Representatives:

Sirs—Your committee on free conference, appointed to consider the differences between the two houses on Substitute Senate Joint Resolution No. 3, proposing the submission of an amendment to section 12, Article 8 of the Constitution of Texas, recommend that the House amendment be acceded to in concurred in.

All of which is respectfully submitted.

HOUSTON,
GLASSCOCK,
ARMISTEAD,
Senate Committee.
PRENDERGAST
GROCK,
BROWNING.
House Committee.

On motion of Senator Bell,

The report was adopted.

BY SENATOR HARRISON:

By leave,

SENATE CHAMBER. }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Counties and County Boundaries, to whom was referred House bill No. 576, entitled:

"An act to divide Tom Green county into five new counties, and to provide for their organization," have considered the same, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, chairman.
Bill read first time.

BILLS AND RESOLUTIONS.

BY SENATOR GARRISON.

Resolved, That the Sergeant-at-Arms be retained five days after adjournment to label all furniture, take up carpets and take an inventory of the same, and turn over such property to the proper authority, and to forward all mail coming to the Senate.

SENATOR BURGESS

Moved to

Amend by adding and that he be allowed to retain two of the porters to assist in said work.

Accepted, and as amended, the resolution was adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN TEXAS, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House passed the following bills:

House bill No. 361,

"An act to amend Article 2402 of the Revised Civil Statutes."

Senate bill No. 222,

"An act to amend Article 765, title 17, chapter 13, of the Penal Code of the State of Texas," and to add thereto Article 765a and 765b, with amendments.

Also,

That the House insists upon its amendments to

Senate bill No. 174,

"An act to amend section 1, of an act entitled an act prescribing and fixing the venue of suit against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business within this State, and to provide the mode of serving process on such corporations or associations," approved March 31, A. D. 1885," asks for a conference committee, and that Messrs. Alexander, Prendergast and Kirlicks have been appointed as such committee upon the part of the House.

Also,

That the House has adopted the report of the conference committee on House bill No. 89, the fish and game law,

Also,

That the House has adopted the report of the free conference committee on substitute Senate joint resolution No. 3, proposing the submission of an amendment to section 12, Article 8, of the Constitution.

Also,

That the House has adopted the report of the free conference committee on substitute House bill No. 1,

Known as the general school bill.

Also,

That the House has passed House bill No. 441,

"An act to amend Article 1054, chapter 2, title 15, of the Code of Criminal Procedure."

WILL LAMBERT,
Chief Clerk House of Representatives.

On motion of Senator Douglass of Jefferson,

The Senate concurred in House amendment to Senate bill No. 222.

SENATOR BELL

Asked to have the Journal corrected to show that on yesterday the President gave notice of signing

Substitute House bill No. 257.

"An act to amend Article 378, chapter 6, title 11, of the Penal Code of the State of Texas and to add Articles 378a, 378b, 378c, 378d and 378e, to said chapter and title prohibiting the unlawful selling of intoxicating liquors and defining and prohibiting blind tigers and providing rules of evidence and penalties therefor.

Journal corrected.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has concurred in the Senate amendments to

House bill No. 52,

"An act to amend title 95, of the Revised Statutes, by adding thereto Articles 4710a, 4710b, 4712a, 4748a, 4763a, 4765a, and by amending Articles 4740, 4741, 4746, 4747, 4748 and 4761, so as to provide for a more thorough and efficient assessment of property and the collection of taxes thereon."

Also,

That the House has passed

Senate bill No. 251,

"An act to require occupation license to be posted by persons, firms and corporations, upon whom an occupation tax is levied in their places of business, and to punish violations of the same," with amendment.

Also,

Senate bill No. 268,

"An act to amend Articles 4823 and 4843, of the Revised Civil Statutes of the State of Texas, in relation to trials of the right of property.

WILL LAMBERT,
Chief Clerk, House of Representatives.

On motion of Senator Lane,

The regular order of business was suspended,

And,

House bill No. 463.

"An act for the relief of the heirs of Alexander Farmer, deceased,"

Was taken up and read second time, with committee amendment.

The committee amendment was adopted.

The bill was passed to third reading.

On motion of Senator Lane,

The constitutional rule was suspended, and the bill was placed on its third reading and final passage by the following vote:

YEAS—28.

Abercrombie,	Glasscock,
Armistead,	Gregg,
Bell,	Harrison,
Burges,	Houston,
Burney,	Jarvis,
Calhoun,	Knittle,
Camp,	Lane,
Claiborne,	McDonald,
Davis,	MacManus,
Douglass, of J,	Pope,
Douglass, of G,	Simkins,
Field,	Terrell,
Frank,	Upshaw,
Garrison,	Woodward.

NAYS.—1.

Woods,

ABSENT.—4.

Stinson.

The bill was read third time and passed.

Senate bill No. 274.

"An act to amend Article 2725, title 48, of chapter 1, of the Revised Civil Statutes of the State of Texas," was laid before the Senate and read third time.

SENATOR TERRELL

Moved to add the following:

"The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted unanimously.

The bill was passed.

On motion of Senator Claiborne,

The Senate concurred in House amendments to substitute Senate bill No. 195.

On motion of Senator Armistead,

The Senate refused to concur in House amendments to Senate bill No. 261.

THE PRESIDENT

Gave notice of signing the following bills:

Substitute Senate bill No. 200,

"An act for the relief of the holders and owners of patents issued to lands Greer county and other reservations, by virtue of veteran certificates."

And

Senate bill No. 91,

"An act to amend Article 849, chapter 1, title 10, of the Code of Criminal Procedure,"

And

Senate bill No. 116,

"An act to amend title 20 of the Revised Civil Statutes by adding another chapter thereto, to be styled chapter 14,"

And

Senate bill No. 117,

"An act to amend Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236 and 3238, of title 63, of the Revised Civil Statutes of the State of Texas, and to add Article 3239a to said title."

And

Substitute Senate bill No. 219.

"An act to provide for the sale and lease of all the public lands and all lands heretofore or hereafter surveyed and set apart for the benefit of the common schools, the university, and the several asylums, and to prevent the free use or unlawful enclosure of said land,"

And

Senate bill No. 336.

"An act to reorganize the 31st, 32d, 33d, 35th and 36th judicial districts, and to create the 42d judicial district of the State of Texas, and to fix the times of holding courts therein, and to provide for the appointment and election of judges and district attorneys in the 32d, and 42d judicial districts and to repeal all laws and parts of laws in conflict herewith,"

And

House bill No. 355.

"An act to create a bureau of agriculture for the State of Texas and to add it to the Department of Insurance Statistics, to properly designate said department and its head and to prescribe the duties belonging to it relating to agriculture,"

And

House bill No. 387,

"An act to create the counties of Sutton and Schleicher from the county of Crockett,"

And

House bill No. 548,

"An act to amend Article 4333 of the Revised Civil Statutes, as amended by an act approved March 30, 1881,"

And

House bill No. 602,

"An act to create the Martin, Scurry, Crosby and Knox land districts.

SENATOR POPE

Moved to suspend the constitutional rule and take up out of its regular order

House bill No. 569,

"An act to provide for ascertaining and correcting conflicts and errors in surveys of lands made for the common school university and asylum funds or other lands in which the State may be interested; to provide for the resurvey of same and for patenting and repatenting surveys in certain cases."

Adopted by the following vote:

YEAS—27.

Abercrombie,	Glasscock,
Armistead,	Jarvis,
Bell,	Knittle,
Burges,	Lane,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Pope,
Claiborne,	Simkins,
Davis,	Stinson,
Douglass of J,	Terrell,
Douglass of G,	Upshaw,
Field,	Woods,
Frank,	Woodward.
Garrison,	

NAYS—none.

ABSENT—3.

Gregg,	Houston.
Harrison,	

The bill was read second time and was passed to its third reading.

On motion of Senator Pope,

The constitutional rule was suspended and the bill was placed on its third reading and final passage by the following vote:

YEAS—13.

Abercrombie,	Douglass of G
Armistead,	Frank,
Bell,	Garrison,
Burges,	Glasscock,
Burney,	Harrison,
Calhoun,	Houston,
Camp,	Jarvis,
Davis,	Knittle,
Douglass of J,	Lane,

McDonald.
MacManus.
Pope.
Simkins,

Stinson,
Terrell,
Woods,
Woodward.

NAYS—none.

ABSENT—4.

Claiborne,
Field,

Gregg.
Upshaw.

The bill was read third time and passed by the following vote:

YEAS—23.

Abercrombie,	Harrison,
Armistead,	Jarvis,
Bell,	Knittle,
Burges,	McDonald,
Burney,	MacManus,
Camp,	Pope,
Davis,	Simkins,
Douglass of G	Stinson,
Frank,	Terrell,
Garrison,	Woods,
Glasscock,	Woodward.
Gregg,	

NAYS—3.

Calhoun,	Lane.
Houston,	

ABSENT—4.

Claiborne,	Field,
Douglass of J,	Upshaw.

On motion of Senator Abercrombie,
The request of the House for a conference committee on
Senate bill No. 174
Was granted.

SENATORS ABERCROMBIE, WOODS AND
WOODWARD

Were appointed on such committee on the part of the Senate.

On motion of Senator Armistead,
House bill No. 284,

"An act to amend section 5, of an act approved February 6, 1884, entitled 'an act to amend sections 5, 7, 26 and 39, of an act entitled 'an act to re-district the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, so be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883,'" was taken up and read second time with committee amendments.

On motion of Senator Armistead,

The committee amendments were adopted

And

The bill was passed to third reading.

On motion of Senator Armistead,

The constitutional rule was suspended,

And

The bill was placed on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Harrison,
Armistead,	Jarvis,
Bell,	Knittle,
Burges,	Lane,
Burney,	McDonald,
Camp,	MacManus,
Claiborne,	Simkins,
Davis,	Stinson,
Douglass of G,	Terrell,
Frank,	Upshaw,
Garrison,	Woods,
Glasscock,	Woodward.
Gregg,	

NAYS—none.

ABSENT—5.

Calhoun.	Houston,
Douglass of J,	Pope.
Field,	

On motion of Senator McDonald,
House bill No. 316,

"An act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in the State, and providing penalties for a violation of the same," was taken up out of its regular order and read second time.

SENATOR M'DONALD

Moved to amend by striking out the engrossed rider.

Adopted.

SENATOR HARRISON

Moved to reconsider the vote just taken.

On motion of Senator Burney,

The motion to reconsider was laid on the table.

SENATOR LANE

Moved to amend section 1 by striking out the words and figures "September 1, 1887," and insert in lieu thereof "January 1, 1888."

Adopted.

SENATOR LANE

Moved to amend section 4 by striking out "January 1, 1887," and insert in lieu thereof "January 1, 1888."

Adopted.

(Senator Glasscock in the chair.)

SENATOR HOUSTON

Made an argument against the bill.

SENATOR LANE

Moved to

Amend section 3, by striking out the words "or of local prejudice against such corporation."

Lost by the following vote:

YEAS—7.

Bell,	MacManus.
Houston,	Simkins,
Knittle,	Stinson.
Lane,	

NAYS—17.

Abercrombie,	Garrison,
Armistead,	Gregg,
Burges,	Harrison,
Burney,	McDonald,
Camp,	Terrell,
Claiborne,	Upshaw,
Douglass of G,	Woods,
Field,	Woodward.
Frank,	

ABSENT—6.

Calhoun.	Glasscock,
Davis,	Jarvis,
Douglass of J.	Pope.

SENATOR TERRELL

Moved to amend as follows:

In section 1 strike out the words "in such form as he may prescribe."]

Adopted.

SENATOR LANE

Moved to amend by adding after the word "corporation" the words "provided they may remove a cause to the federal courts on account of the existence of local prejudice, when in the

judgment of the court trying the case such prejudice is such that such corporation cannot get justice in such State court."

SENATOR ARMISTEAD

Moved the previous question on the amendment and on the bill.

Seconded and main question ordered.

The amendment was lost by the following vote:

YEAS—11.

Bell,	Lane,
Calhoun,	MacManus,
Claiborne,	Simkins,
Gregg,	Stinson,
Houston,	Terrell,
Knittle,	

NAYS—16.

Abercrombie,	Frank.
Armistead,	Garrison,
Burges,	Harrison,
Burney,	Jarvis,
Camp,	McDonald,
Douglass of J,	Upshaw,
Douglass of G,	Woods.
Field.	Woodward.

ABSENT—3.

Davis,	Pope,
Glasscock,	

The bill was passed to third reading by the the following vote.

YEAS—19.

Abercrombie,	Gregg,
Armistead,	Harrison,
Bell,	Jarvis,
Calhoun,	McDonald,
Camp,	Simkins.
Douglass of J,	Terrell,
Douglass, of G,	Upshaw,
Field,	Woods.
Frank,	Woodward.
Garrison,	

NAYS—8.

Burges,	Knittle,
Burney,	Lane,
Claiborne,	MacManus,
Houston,	Stinson.

ABSENT—3.

Davis,	Pope.
Glasscock.	

SENATOR LANE

Sent up the following reasons for voting nay:

I vote no on this bill (House bill No. 316) because it in effect permits the incorporation of anything that is permitted to be incorporated by the laws of any of the States of the United States or of any foreign country. If persons are prohibited from incorporating for any business in this State,

all they have to do under the provisions of this bill is to go somewhere else and incorporate, return, comply with bill, this and proceed to business.

LANE.

THE PRESIDENT

Referred House bill 361 to Judiciary Committee No. 1.

On motion of Senator Houston,

House bill No 441, was referred to Judiciary Committee No. 2.

The following message was received from the Governor.

EXECUTIVE OFFICE, }
AUSTIN, March 30, 1887. }

To the Senate of Texas:

I respectfully ask your advice and consent to the appointment of George A. McCall, of Parker county, as district judge in the forty-third judicial district,

And

To the appointment of Winchester Kelso, of Maverick county, as district judge of the forty-first judicial district.

And

To the appointment of A. V. Dold, of Brewster county, as district attorney of the forty-first judicial district.

Respectfully,

L. S. ROSS, Governor.

SENATOR HARRISON

Asked to have the journal corrected to show that he voted against the amendment offered by Senator Terrell to Senate bill No. 220.

Journal corrected.

SENATOR TERRELL

Entered a motion to reconsider the vote by which

House bill No. 27,

"An act to prohibit the watering of stock and bonds by railroad corporations, etc.," was on yesterday passed to third reading.

On motion of Senator Burney,

House bill No. 357,

"An act to amend an act approved February 27, 1885, entitled 'an act to amend section 34 of an act to redistrict the State into judicial districts, etc.,'"

Was taken up and read second time, with committee substitute.

The committee substitute was adopted.

SENATOR BURNEY

Moved to

Amend by adding section 3:

The near approach of the close of the session creates an emergency which demands the suspension of

the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Adopted.

The bill was passed to the third reading.

On motion of Senator Burney, The constitutional rule was suspended and the bill was placed on its third reading and final passage by the following vote.

YEAS—22

Abercrombie,	Glasscock,
Armistead,	Gregg,
Bell,	Harrison,
Burney,	Jarvis,
Calhoun,	Knittle,
Camp,	Lane,
Claiborne,	MacManus,
Douglass of G,	Simkins,
Field,	Terrell,
Frank,	Woods,
Garrison,	Woodward.

NAYS—none.

ABSENT—8.

Burges,	McDonald,
Davis,	Pope,
Douglass of J,	Stinson,
Houston,	Upshaw.

The bill was read third time, and passed.

SENATOR HARRISON

Called up the motion to reconsider the vote by which House bill No. 94 was passed, and moved to lay that motion on the table.

SENATOR TERRELL

Moved a call of the Senate.

Call sustained.

Roll called.

SENATORS BURGESS, DOUGLASS OF JEFFERSON, POPE AND UPSHAW

Were found to be absent without leave.

On motion of Senator Terrell,

The Senate adjourned until 3 o'clock p. m. by the following vote:

YEAS—18.

Burges,	Garrison,
Calhoun,	Glasscock,
Claiborne,	Houston,
Davis,	Jarvis,
Douglass of J,	Knittle,

Lane,
McManus,
Pope,
Stinson.

Terrell.
Upshaw,
Woods.
Woodward.

NAYS—12.

Abercrombie,
Armistead,
Bell,
Burney,
Camp,
Douglass of G.

Field.
Frank,
Gregg,
Harrison,
McDonald,
Simkins,

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

On motion of Senator Jarvis the Senate adjourned for one hour and a half.

Senate met pursuant to adjournment.

The president in the chair.

Roll Called.

Quorum present.

SENATOR M'DONALD

Offered the following resolution:

Resolved, That Judge Willis be allowed one hour in which to address the Senate on the charges against him, the same to be in addition to the three and one half hours allowed his counsel, and to be in continuation of his counsel's time.

SENATOR DOUGLASS OF JEFFERSON

Moved to

Amend by striking out the time to be allowed the Attorney General.

SENATOR ARMISTEAD

Made the point of order that a similar resolution had been previously adopted; therefore, the resolution offered by Senator McDonald and the amendment thereto were out of order.

The point order was sustained and the resolution and amendment were ruled out of order.

On motion of Senator Douglass of Jefferson,

The vote adopting the resolution allowing the resolution allowing the respondents in the Willis case three and one-half hours' discussion was reconsidered.

SENATOR ARMISTEAD

Offered the following substitute for the original resolution:

Resolved, That the argument in the cause of Frank Willis be conducted in the following order:

1. The Attorney General shall be allowed two hours to open the case.
2. The respondent's counsel shall be allowed two hours and one-half in behalf of the respondent.
3. The respondent shall be allowed one hour in his own behalf.
4. The Attorney General shall be allowed one hour to conclude the argument.

SENATOR DOUGLASS OF JEFFERSON

Moved to "strike out the time allowed the Attorney General."

SENATOR DOUGLASS OF JEFFERSON

Spoke in favor of his amendment to the substitute.

The amendment was lost.

The substitute for the resolution was adopted by the following vote:

YEAS—27.

Abercrombie,	Gregg,
Armistead,	Harrison,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Simkins,
Davis,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woods,
Garrison,	Woodward.
Glasscock,	

NAYS—1.

Douglass of J.

ABSENT—3.

Houston, Simkins.

SENATOR M'DONALD

Offered the following resolution:

"Resolved, That Geo. M. Israel be allowed the sum of one hundred dollars, to be paid out of the contingent fund, for his services as stenographer in taking down the testimony in the

matter of the charges against Judge Willis.

Referred to Committee on Contingent expenses.

The following message was received from the House:

HOUSE OF REPRESENTATIVES. }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 325.

"An act to amend Article 1420, chapter 20, title 29, of the Revised Civil Statutes of the State of Texas."

Senate bill No. 303.

"An act to amend chapter 2, title 96, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 4676a, providing for the assessment of live stock in pastures, in the several counties in which such pastures are situated.

Senate bill No. 115.

"An act to compel all railroads to furnish reasonable and equal facilities and accommodations to all corporations engaged in express business for transportation of themselves, agents, servants, merchandise and other property.

Also,

That the House concurs in the Senate amendments to

House bill No. 285.

relating of fixing times of holding courts in Morris, Cass, Bowie, Franklin and other counties.

WILL LAMBERT,
Chief Clerk House of Representatives.

On motion of Senator Frank,

The Senate went into executive session, to consider appointments made by the Governor.

IN SENATE.

On motion of Senator Frank

The results of the executive session were ordered to be spread upon the journals, and the Governor notified of the same,

Which is as follows:

"The appointment of George A. McCall of Parker county, to be district judge in the forty-third judicial district of Winchester, Kelso of Maverick county, to be district judge of the forty-first judicial district, of A. V. D. Old, of Brewster county, to be district attorney of the forty-first judicial district, was advised and consented to by the

Senate for the offices to which they were appointed.

The Senate also advised and consented to the appointment of William Scanlan, to be appointed pilot commissioner at Brazos Santiago, in place of William Kelly, heretofore appointed, and declined to serve.

And all the national appointments not advised, and consented heretofore, and which will be published when revised.

The following privileged reports were sent up:

BY SENATOR FRANK:

COMMITTEE ROOM, }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate.

Sir—Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 220, being:

"An act to carry into effect section 5, of Article 10, of the Constitution of the State of Texas, prohibiting the consolidation of parallel or competing railroads, and to prescribe a penalty for the violation thereof," and find the same correctly engrossed.

FRANK, chairman.

BY SENATOR FIELD:

COMMITTEE ROOM, }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 116, being:

"An act to amend title 20 of the Revised Civil Statutes of the State of Texas by adding another chapter thereto, to styled chapter 14," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his signature.

FIELD, chairman.

COMMITTEE ROOM, }
AUSTIN, TEXAS, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 200, being:

"An act to authorize the holders and owners of patents issued to lands in Greer county, and other reservations, to surrender their patents for cancellation and to authorize the commissioner to issue new certificates in such cases, and find the same correctly enrolled, and have this day, at 11 o'clock

a. m., presented the same to the Governor for his signature.

FIELD, chairman.

COMMITTEE ROOM, }
AUSTIN, TEXAS, March 31, 1887. }

To the Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 91 being:

"An act to amend Article 819, chapter 1, title 10, of the Code of Criminal Procedure of the State of Texas," and find the same correctly enrolled, and have this day, at 11 o'clock, a. m. presented the same to the Governor for his signature.

FIELD, chairman.

COMMITTEE ROOM, }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 336, being:

"An act to reorganize the thirty-first, thirty-second, thirty-third, thirty-fourth and thirty-fifth judicial districts, and to create the forty-second judicial district of the State of Texas, and to fix the times of holding courts therein, and to provide for the appointment and election of judges and district attorneys in the thirty-second and forty-second judicial districts, and to repeal all laws and parts of laws in conflict herewith," and find the same correctly enrolled, and have this day, at 11 o'clock, a. m., presented the same to the Governor for his signature.

FIELD, chairman.

COMMITTEE ROOM, }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Enrolled bills have carefully examined and compared Senate bill No. 117, being:

"An act to amend Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236 and 3235, of title 63 of the Revised Civil Statutes of the State of Texas, and to add Article 3239a to said title," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his signature.

FIELD, chairman.

COMMITTEE ROOM, }
AUSTIN, March 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 219, being:

"An act to provide for the sale

of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university and the several asylums, and the lease of such lands, and of the public lands of the State and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for signature.

FIELD, chairman.

SENATOR HARRISON

Called up the motion entered by Senator Burges to reconsider the vote by which House bill No. 94, was passed and moved to lay the motion to reconsider on the table.

SENATOR HARRISON

Withdrew the motion temporarily.

SENATORS BURGESS AND POPE

Favored the motion to reconsider, and

SENATOR ARMISTEAD

Opposed it.

SENATOR HARRISON

Renewed his motion to lay on the table, and it was lost by the following vote:

YEAS—11.

Abercrombie,	Frank,
Armistead,	Gregg,
Bell,	Harrison,
Camp,	McDonald,
Claiborne,	Simkins.
Field,	

NAYS—18.

Burges,	Knittle,
Burney,	Lane,
Calhoun,	MacManus.
Davis,	Pope,
Douglass of G,	Stinson,
Garrison	Terrell,
Glasscock,	Upshaw,
Houston,	Woods,
Jarvis,	Woodward.

ABSENT—1.

Douglass of J.

The motion to reconsider was adopted by the following vote:

YEAS—18.

Burges,	Knittle,
Burney,	Lane,
Calhoun,	MacManus,
Claiborne,	Pope,
Davis,	Stinson,
Garrison,	Terrell,
Glasscock,	Upshaw,
Houston,	Woods,
Jarvis,	Woodward.

NAYS—11.

Abercrombie,	Frank,
Armistead,	Gregg,
Bell,	Harrison,
Camp,	McDonald,
Douglass of J.	Simkins.
Field,	

ABSENT—1.

Douglass of G.

SENATOR BURGESS

Moved to amend by striking out the words "ten per cent per month," and inserting in lieu thereof "one per cent per month."

SENATOR BURGESS

Spoke in favor of his amendment.

SENATOR BURNEY

Moved to amend by inserting "five" in place of "one per cent."

Adopted by the following vote:

YEAS—23.

Abercrombie,	Glasscock,
Armistead,	Gregg,
Bell,	Harrison,
Burney,	Houston,
Calhoun,	Jarvis,
Camp,	McDonald.
Claiborne,	MacManus,
Davis,	Pope,
Douglass of J.	Simkins,
Douglass of G.	Terrell,
Field,	Upshaw.
Frank,	

NAYS—1.

Burges,	Stinson,
Garrison,	Woods,
Knittle,	Woodward.
Lane,	

The amendment as amended was adopted by the following vote:

YEAS—28.

Abercrombie,	Gregg,
Armistead,	Harrison,
Bell,	Houston,
Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Pope,
Davis,	Sinkins,
Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woods,
Glasscock,	Woodward.

NAYS—2.

Garrison,	Lane.
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SENATOR CALHOUN

Moved to amend:

Add to Article 4227 the following:
 "Provided, however, that no rail-
 road company shall be held for special
 damages for the delay of any goods or
 merchandise before it came into the
 possession of said railroad."

SENATOR HARRISON

Moved the previous question on the
 amendment and the bill.

Seconded,

And

The main question was lost by the
 following vote:

YEAS—14.

Abercrombie,	Douglass of J,
Armistead,	Douglass of G,
Bell,	Gregg,
Burney,	Harrison,
Camp,	McDonald,
Claiborne,	Sinkins,
Davis,	Upshaw.

NAYS—15.

Burges,	Lane,
Calhoun,	MacManus,
Field,	Pope,
Frank,	Stinson,
Garrison,	Terrell,
Houston,	Woods,
Jarvis,	Woodward.
Knittle,	

ABSENT—1.

Glasscock.

SENATOR HOUSTON

Moved a call of the Senate.

Called sustained.

Roll called.

Absent—Senator Glasscock.

The sergeant at arms was dispatched
 to bring in the absent senator.

SENATOR UPSHAW

Moved to excuse Senator Glasscock.

Lost by the following vote:

YEAS—19.

Abercrombie,	Frank,
Armistead,	Gregg,
Bell,	Harrison,
Burney,	Jarvis,
Camp,	McDonald,
Claiborne,	Sinkins,
Douglass of J,	Terrell,
Douglass of G,	Upshaw,
Field,	Woods,

NAYS—11.

Burges,	Lane.
Calhoun,	MacManus,
Davi-	Pope,
Garrison,	Stinson.
Houston,	Woodward.
Knittle,	

ABSENT—1.

Glasscock,

SENATOR GLASSCOCK

Was announced at the door and the
 call was suspended.

SENATOR LANE

Moved to amend by adding to the
 amendment the words, "unless said
 road forms a continuous and connect-
 ing line with the other roads on which
 the freight has been shipped and a
 through bill of lading issued therefor."

Adopted.

SENATOR GLASSCOCK

Moved to adjourn till 8 o'clock p. m.

Lost.

SENATOR HARRISON

Moved the previous question on the
 amendment and the bill.

Seconded and the main question
 was ordered.

SENATOR CALHOUN'S

Amendment, as amended was adopted
 by the following vote:

YEAS—13.

Calhoun,	MacManus.
Davis,	Pope,
Garrison,	Stinson,
Glasscock	Terrell,
Houston,	Woods,
Knittle,	Woodward.
Lane,	

NAYS—17.

Abercrombie,	Field,
Armistead,	Frank,
Bell,	Gregg,
Burges,	Harrison,
Burney,	Jarvis,
Camp,	McDonald,
Claiborne,	Simkins,
Douglass of G,	Upshaw.
Douglass of J,	

ABSENT—1.

Allen.

The bill passed by the following vote:

YEAS—26.

Abercrombie,	Gregg.
Armistead,	Harrison,
Bell,	Houston,
Burney,	Jarvis.
Calhoun,	Lane,
Camp,	McDonald,
Claiborne,	MacManus,
Davis,	Pope,
Douglass of J,	Simkins,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woods.
Glasscock,	Woodward.

NAYS—4.

Burges,	Knittle,
Garrison,	Stinson.

ABSENT—none.

On motion of Senator Armistead the Senate reconsidered the vote refusing to concur in House amendments in Senate bill No. 261.

On motion of Senator Armistead the Senate concurred in House amendments to the bill.

SENATOR STINSON

Moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—10.

Burges,	MacManus,
Davis,	Pope,
Garrison,	Stinson,
Houston,	Woods,
Knittle,	Woodward.

NAYS—19.

Abercrombie,	Frank,
Armistead,	Gregg,
Bell,	Harrison,
Burney,	Jarvis,
Calhoun,	Lane,
Camp,	McDonald,
Claiborne,	Simkins,
Douglass of J,	Terrell,
Douglass of G,	Upshaw.
Field,	

ABSENT—1.

Glasscock.

By leave,

SENATOR BELL

Sent up the following report:

COMMITTEE ROOM, }
AUSTIN, March 30, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 441, entitled:

"An act to amend Article 1054, chapter 2, title 15, of the Code of Criminal Procedure," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, chairman.

On motion of Senator Houston,
The Senate adjourned till 10 o'clock to-morrow morning.

SEVENTIETH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, April 1, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by Dr. Howard.

The reading of the journal of yesterday was dispensed with,